THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 8187 of 2007

Date:19-04-2007

Between:

Vangala Venugopalam ..
PETITIONER

AND

The Govt.of A.P. and two others.

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RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent No.3 in not registering the F.I.R. against Sri K.S.Srinivasa Rao and M.Varaprasada Rao, as illegal and arbitrary.

The grievance of the petitioner is that the Station House Officer, Police Station, Jaladanki is not registering the F.I.R. on the complaint made by the petitioner against the accused persons wherein it is alleged that they have committed a cognizable offence. It is the case of the petitioner that he made a complaint on 5.4.2007 before the third respondent alleging that one K.S.Srinivasa Rao and M.Varaprasada Rao misappropriated the funds of Annavaram Harijan Labour Contract Cooperative Society. But, in spite of making a written complaint about the commission of the cognizable offence by the petitioner, the third respondent has not registered the crime. The petitioner relying on the judgment of the Apex Court in **LALLAN CHAUDHARYAND OTHERS v. STATE OF BIHAR AND ANOTHER**[1] held that it is the statutory duty cast upon the police officer to register the case as disclosed in the complaint and that the police officer has no other option except to consider the reliability, genuineness and credibility of the information and register the case under Section 154 Cr.P.C. The facts of the cited case are that a complaint was lodged before the Sub-Divisional Judicial Magistrate, which complaint was sent to the Station House Officer to register an FIR and to investigate, but the police did not register the FIR for the offences with which he was alleged, but registered the crime on some other offences. The Magistrate did not consider the report though the offence was made out for the offence under Section 395 IPC. So also, the District and Sessions Judge failed

to take notice the miscarriage of justice. Under those circumstances, the High Court directed the concerned Magistrate to proceed in the matter in accordance with law.

Based on the judgment of the Apex Court, this Court disposed of W.P.No.21709 of 2005 and batch, dated 06.02.2007 holding that there is an effective remedy available under the provisions by way of approaching the Court to get the complaint registered by taking appropriate steps under Section 200 and 190 Cr.P.C.

In view of the aforesaid judgment of this Court, I am of the opinion that no writ of mandamus can be issued.

In view of the above, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:19.04.2007
CCM

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[1] 2007(1) ALT (Crl.) 18 (SC)